

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-01

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 CU-02 DRC-01 /056 W

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R 180505Z OCT 74

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 4918

INFO AMEMBASSY SINGAPORE

AMCONSUL MEDAN

AMCONSUL SURABAYA

C O N F I D E N T I A L SECTION 1 OF 2 JAKARTA 12792

E.O. 11652: GDS

TAGS: PINS, PINT, ID

SUBJ: HARIMAN SIREGAR TRIAL -- 38TH-47TH SESSIONS

REF: A) JAKARTA 12283 B) JAKARTA 11857

BEGIN SUMMARY: TAKING OF TESTIMONY IN SIREGAR TRIAL
CONCLUDED OCTOBER 12. DOZEN WITNESSES TESTIFIED DURING
FINAL SESSIONS, INCLUDING TWO CALLED BY JUDGE TO CLARIFY
TESTIMONY BY PREVIOUS WITNESSES. AS DURING PREVIOUS TWO
WEEKS (REFTELS), TESTIMONY ADDED LITTLE NEW SUBSTANTIVE
INFORMATION TO GOVERNMENT CASE, BOTH SESSIONS MARKED BY
FURTHER FIREWORKS FROM PRO-SIREGAR STUDENTS (ONE OF WHOM
EXPELLED BY JUDGE) AND FURTHER SUGGESTIONS OF ALI MURTOPO
INFLUENCE BEHIND JANUARY EVENTS. FOR FIRST TIME, JUDGE

UPHELD PROTEST BY ONE WITNESS THAT PRE-TRIAL INVESTIGATION
STATEMENT IRRELEVANT TO SIREGAR CASE. DEFENSE ASKED
TO CALL ONE EXPERT WITNESS, UI PSYCHOLOGY PROFESSOR FUAD
HASAN; REQUEST REFUSED BY COURT. AFTER 37 WITNESSES,
TRIAL HAS NEITHER ESTABLISHED PROSECUTION CASE, DIMINISHED
CERTAINTY OF CONVICTION OF SIREGAR, OR IMPROVED IMAGE OF
INDONESIAN JUDICIAL SYSTEM IN EYES OF EDUCATED PUBLIC.

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END SUMMARY. END CONFIDENTIAL

BEGIN UNCLASSIFIED

1. FOLLOWING CANCELLATION OF 38TH AND 39TH SESSIONS OF TRIAL SEPT 30 AND OCT 1 DUE TO DEATH OF SIREGAR'S FATHER (REF A), COURT HEARD TESTIMONY OF FINAL DOZEN WITNESSES IN EIGHT SESSIONS OCT 2-12. FOLLOWING HIGHLIGHTS BASED ON PRESS REPORTS.

2. UI DISCUSSION GROUP SECRETARY SJACHRIR OCT 2 CONCLUDED TESTIMONY ON DISCUSSION GROUP ACTIVITIES. HE STATED PROF. SARBINI (DETAINED UI ECONOMICS PROFESSOR) HAD LECTURED GROUP ON "DIMENSIONS OF DEVELOPMENT," ARGUING THAT SOCIAL JUSTICE AS WELL AS GNP GROWTH WERE IMPORTANT. HE ALSO EXPLAINED HIS OWN VIEW (EXPRESSED IN ANOTHER LECTURE) THAT ROLE OF YOUTH IN POLITICS IS TO EXERCISE "SOCIAL CONTROL."

3. SLAMET EFFENDI YUSUF OF YOGYA ISLAMIC INSTITUTE (WHOSE STATEMENT READ IN COURT PREVIOUS WEEK) GAVE ORAL TESTIMONY OCT.2. YUSUF AGREED WITH PREVIOUS YOGYA WITNESSES THAT SIREGAR WAS SUSPECTED BY YOGYA STUDENTS BECAUSE HE CONSIDERED SUPPORTED BY GOVERNMENT PARTY GOLKAR.

4. TWO FURTHER YOGYA WITNESSES, NASRUN YASABARI OF GADJAH MADA STUDENT COUNCIL AND FIRDAUS BASUNI OF ISLAMIC INSTITUTE COUNCIL, TESTIFIED OCT 3. YASABARI STATED SIREGAR'S TRIP TO YOGYA IN DECEMBER 1973 WAS MADE AT INVITATION OF GADJAH MADA RECTOR (AND PAID FOR WITH GOVERNMENT FUNDS) AS ONE OF GROUP OF STUDENT REPRESENTATIVES ASKED TO MEET WITH DELEGATES TO ASIAN CULTURAL MINISTERS CONFERENCE. YASABARI TESTIFIED SIREGAR HAD TOLD OTHER STUDENTS HOLDING OF CULTURAL CONFERENCE IN MIDST OF POVERTY WAS AN INSULT TO INDONESIAN PEOPLE, AND LEFT MEETING WHEN OTHERS REFUSED TO JOIN IN PROTESTING CONFERENCE. BASUNI TESTIMONY REPEATED SUSPICIONS OF SIREGAR AS GOLKAR AGENT OUT TO "TRAP" YOGYA STUDENTS, AND REJECTION OF SIREGAR PROPOSALS. BASUNI EXAMINATION STATEMENT INDICATED ISLAMIC INSTITUTE STUDENTS' GOAL WAS CONFIDENTIAL

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"SOCIAL CONTROL" ONLY, NOT "REPLACEMENT OF PRESIDENT AND CHANGING OF 1945 CONSTITUTION" AS ALLEGEDLY ADVOCATED BY SIREGAR; ON STAND, BASUNI SAID THIS STATEMENT REPRESENTED ONLY HIS OWN CONCLUSION AND MIGHT HAVE BEEN INFLUENCED BY GOVERNMENT STATEMENTS AFTER RIOTS (SUCH AS ONE BY MURTOPO IN YOGYA LATE JANUARY). BASUNI ALSO OBJECTED THAT HE NOT INFORMED BY EXAMINERS THAT HIS STATEMENTS WERE TO BE USED AS TESTIMONY IN SIREGAR TRIAL,

AND MAINTAINED OBJECTION DESPITE REPEATED PROSECUTION DENIALS.

5. PADJADJARAN UNIVERSITY (BANDUNG) STUDENT HATTA ALBANIK OCT. 5 ALSO PROTESTED THAT HIS PRE-TRIAL STATEMENT WAS NOT INTENDED FOR SIREGAR TRIAL, AND QUALIFIED MANY ANSWERS TO CLARIFYING QUESTIONS SAYING STATEMENTS WERE ONLY "MORE OR LESS" ("KIRA-KIRA") TRUE. REGARDING IMPORTANT CHARGE THAT SIREGAR HAD SAID IN BANDUNG ON DECEMBER 9, 1973 THAT GOVERNMENT STRUCTURE NEEDED TO BE OVERHAULED AND IF STUDENTS DID NOT MOVE THERE MIGHT BE MILITARY COUP, ALBANIK CLAIMED HIS RECOLLECTION GREATLY INFLUENCED BY PRESS REPORTS AND HE NOT CERTAIN WHETHER OR NOT HE HAD ACTUALLY HEARD STATEMENT AS QUOTED. ALBANIK RESPONSES EXASPERATED JUDGE, WHO AT ONE POINT ACCORDING LEADING DAILY KOMPAS ALMOST SCREAMED AT WITNESS DUE TO IMPRECISION OF ANSWERS. JUDGE ULTIMATELY ORDERED APPEARANCE BY STUDENT PRESS REPORTERS WHO COVERED SIREGAR BANDUNG TALK.

6. YOPI LASUT, DETAINED ASSOCIATE OF HIGH SCHOOL FRONT LEADER YUSUF A.R., IN TESTIMONY OCT 5 ASKED THAT HIS PRE-TRIAL STATEMENT BE WITHDRAWN BECAUSE INTERROGATORS "FORCED" HIM TO MENTION NAMES SUCH AS SUMITRO AND ATTORNEY GENERAL ALI SAID. YOPI ALSO ASKED TO READ LETTER DESCRIBING HIS DETENTION CONDITIONS AND ANOTHER MAKING CLAIMS AGAINST SECURITY AUTHORITIES. JUDGE PROHIBITED READING OF LETTERS, AND PROSECUTOR DENIED USE OF PRESSURE AND LEADING QUESTIONS IN INTERROGATION, WHEREUPON YOPI ASKED THAT PROSECUTOR SWEAR TO HIS STATEMENT. IN CONTINUED TESTIMONY OCT 7, YOPI DISCUSSED ROLE OF HIGH SCHOOL STUDENTS IN JANUARY 15 EVENTS IN SIMILAR TERMS AS

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PREVIOUS WITNESSES, BUT ALSO STATED THAT OTHER GROUPS INVOLVED IN JANUARY 15 EVENTS INCLUDED ONE GROUP OF GOLKAR HIGH SCHOOL STUDENTS LED BY MOAS WHOM HE DESCRIBED AS NOW "SECRETARY" TO LIM BIAN KIE AND LIM BIAN KOEN (BIAN KIE'S BROTHER AND STAFFER FOR PRESIDENTIAL ASSOCIATE SOEDJONO HUMARDANI). YOPI STATED MOAS GROUP ASKED TO JOIN KAPI STUDENTS BUT WERE REFUSED BY KAPI STUDENTS WHO SUSPICIOUS OF POSSIBLE "INFILTRATION" ATTEMPTS BY OTHER GROUPS. YOPI ALSO STATED THAT ON JANUARY 16 HE SAW SEVERAL MEMBERS OF ANTI-SIREGAR STUDENT COUNCIL FACTION AS WELL AS FREDY LATUMAHINA (IDENTIFIED BY PREVIOUS WITNESSES AS ONE OF ORGANIZERS OF ANTI-SIREGAR GROUP) AMONG CROWD OUTSIDE UI WHICH MARCHED TO TOYOTA SHOWROOM WHERE CARS THEN BURNED. REMARK BY YOPI DURING DEFENSE QUESTIONING THAT THIS WAS COMMON TACTIC OF LIM

BROTHERS EVOKED PROTEST FROM JUDGE TO DEFENSE COUNSEL AND BRIEF SUSPENSION OF SESSION. YOPI SUBSEQUENTLY STOOD BY HIS STATEMENT AND SAID INFORMATION ABOUT PARTICIPATION OF ANTI-SIREGAR GROUP IN BURNINGS OBTAINED FROM SOURCE IN INSTITUTE OF INTERNATIONAL AND STRATEGIC STUDIES (WITH WHICH LIM BIAN KIE AND ALI MURTOPO ASSOCIATED).

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ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-01

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 CU-02 DRC-01 /056 W

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TO SECSTATE WASHDC 4919
INFO AMEMBASSY SINGAPORE
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C O N F I D E N T I A L SECTION 2 OF 2 JAKARTA 12792

7. ADDITIONAL WITNESS OCT 6 WAS BAMBANG SULISTOMO, DETAINED UI STUDENT AND SON OF REVOLUTIONARY HERO BUNG TOMO. SULISTOMO ALSO ASKED THAT HIS PRE-TRIAL STATEMENT BE WITHDRAWN ON GROUNDS HE WAS TOLD IT WAS NOT FOR USE IN SIREGAR TRIAL. AFTER REPORT READ, JUDGE CONCLUDED IT NOT RELATED TO SIREGAR CASE AND DISMISSED WITNESS, FIRST TIME IN TRIAL SUCH REQUEST HAS BEEN GRANTED. IN LEAVING, SULISTOMO QUESTIONED BASIS FOR HIS FURTHER DETENTION; JUDGE RESPONDED THAT EXISTING COURT ACTION (REJECTION OF PRE-TRIAL STATEMENT AS DRAWN BY PROSECUTOR) WAS "ENOUGH."

8. ON OCT 9 COURT HEARD WRITTEN STATEMENT OF JUSUF MOHAMAD, YOGYA ISLAMIC INSTITUTE STUDENCD SIMILAR TO PREVIOUS ISLAMIC INSTITUTE STUDENT TESTIMONY. AT SESSION JUDGE ALSO AGREED TO DEFENSE MOTION TO RECALL YUSUF A.R. (JAKARTA HIGH SCHOOL STUDENT LEADER WHO REFUSED TO COMPLETE TESTIMONY DURING PREVIOUS APPPEARANCE) IN ORDER TO ALOSW

DEFENSE QUESTIONING. IN TESTIMONY OCT 10 YUSUF STATED BURNINGS AND DESTRUCTION ON JANUARY 15 WERE CAUSED BY "IRRESPONSIBLE PERSONS" WHO EXPLOITED THE SITUATION, NOT BY STUDENT GROUPS. YUSUF SUPPORTED YUPI STATEMENTS RE MOAS STUDENT GROUP AND PRESENCE OF ANTI-SIREGAR STUDENTS IN CROWD OUTSIDE UI CAMPUS JANUARY 16.
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9. TWO EDITORS OF (BANNED) BANDUNG STUDENT WEEKLY, ROEM ALI AND A. RAZAK MANAN, APPEARED OCT 11. ALI STATED HE HAD APPROVED ARTICLE REPORTING SIREGAR DEC 9 SPEECH, AND TRUSTED REPORTER WHO WROTE STORY, BUT DID NOT KNOW REPORTER'S CURRENT WHEREABOUTS. IN RESPONSE TO DEFENSE QUESTIONS, ALI ACKNOWLEDGED THAT HE HAD NOT CHECKED STORY WITH ANY OTHER SOURCES, AND THAT HIS PAPER HAD RECEIVED A TELEPHONED DEMAND FOR CHANGES IN THE STORY AFTER IT WAS PRINTED (SIREGAR STATED CALL WAS MADE BY UI COUNCIL MEMBER GURMILANG KARTASASMITA). RAZAK BEGAN HIS APPEARANCE WITH EXPRESSION OF SYMPATHY FOR DEFENDANT AND ALL THOSE DETAINED FOR INVOLVEMENT IN WHAT HE TERMED "LEMARI, NOT MALARI" AFFAIR. (NOTE: MALARI IS OFFICIAL ACRONYM FOR INDONESIAN WORDS FOR "15 JANUARY" "LEMARI" IS ALTERNATE JANUARY 15 ACRONYM AND ALSO INDONESIAN WORD FOR "CUPBOARD," IMPLYING "LOCKING UP" ASPECT OF JANUARY 15 AFTERMATH.) RAZAK ALSO ASKED TO EXAMINE KORAN USED TO SWEAR HIM IN COURT, AFTER BEING SWORN TOLD JUDGE HE NOW FEARED GOD MORE THAN JUDGE. JUDGE THEREUPON HAD WITNESS REMOVED FROM COURT, STATING TESTIMONY OF ALI WAS SUFFICIENT EVIDENCE REGARDING NEWSPAPER ARTICLE, AND TOLD REPORTEDLY STARTLED PRESS REPRESENTATIVES IN COURTROOM THAT COURT WAS WILLING TO BE RESPONSIBLE TO GOD FOR THAT SESSION.

11. PROSECUTION TOLD COURT PLANS TO CALL HUSEIN P. SASONGKO (MAIN AUTHOR OF OCT. 24 STUDENT PETITION) COULD NOT BE REALIZED BECAUSE SASONGKO HAD NOT BEEN APPREHEENDED. PROSECUTION CALLED ONE SUPPLEMENTARY WITNESS OCT 12, SLAMET RAHARDJO, CHAIRMAN OF UI STUDENT SENATE. RAHARDJO TESTIFIED THAT SENATE, TO WHICH STUDENT COUNCIL RESPONSIBLE, IN SEPTEMBER 1973 ORDERED SIREGAR TO CLEAR EXTERNAL ACTIVITIES WITH SENATE, AND ON JANUARY 12 ISSUED ORDER RESTRICTING FURTHER EXTERNAL ACTIONS. RAHARDJO SAID SIREGAR NEVER CONSULTED WITH HIM ON SENATE ORDERS, AND THAT ON JANUARY 26 (AFTER SIREGAR DETAINED) THE SENATE WITHDREW SIREGAR'S MANDATE AND APPOINTED A CARETAKER CHAIRMAN OF COUNCIL. SIREGAR REPLIED THAT ACTIVITIES SUCH AS JANUARY 15 STUDENT RALLY HAD BEEN PLANNED BEFORE JANUARY 12 ORDER AND HAD ALSO BEEN REPORTED TO UI RECTOR
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AS FINAL AUTHORITY.

12. DEFENSE OCT 12 PROPOSED CALLING ONE WITNESS PROF. FUAD HASAN OF UI PSYCHOLOGY FACULTY, AS EXPERT WITNESS ON CAMPUS CULTURE AND STUDENT STYLE AND LANGUAGE. JUDGE RULED SUCH TESTIMONY WOULD SERVE NO USEFUL PURPOSE WITH REGARD TO EVENTS UNDER CONSIDERATION AT TRIAL. DEFENSE EXPRESSED DISAPPOINTMENT, AND CALLED NO OTHER WITNESSES DESPITE JUDGE'S STATEMENT THAT OTHER WITNESSES NOT NECESSARILY PRECLUDED. END UNCLASSIFIED

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13. COMMENTS:

A. TRIAL HAS HEARD 37 "PROSECUTION" WITNESSES (34 ON ORIGINAL LIST, ONE ADDITIONAL PROSECUTION WITNESS AND TWO CALLED BY JUDGE) AND NO "DEFENSE" WITNESSES DUE TO REJECTION BY COURT OF ONLY WITNESS PROPOSED BY DEFENSE SIDE. HOWEVER, MORE THAN THREE-QUARTERS OF PROSECUTION WITNESSES (INCLUDING THIRTEEN WHO, LIKE SIREGAR, UNDER DETENTION) CLEARLY SYMPATHETIC TOWARD DEFENDANT AND RESULTING TESTIMONY TENDED SUPPORT DEFENSE CASE. DEFENSE CASE RESTS LARGELY ON 1) DENIALS BY SIREGAR AND OTHER WITNESSES OF SPECIFIC "SUBVERSIVE" STATEMENTS AND ACTIONS LISTED IN PROSECUTION CHARGE, 2) PRESENTATION OF EVIDENCE THAT SIREGAR WAS ONLY ONE OF A NUMBER OF STUDENT LEADERS INVOLVED IN PRE-JANUARY PROTEST MOVEMENTS AND NOT MASTER-MIND OF STUDENT MOVEMENT, AND 3) INTRODUCTION (DESPITE OPPOSITION FROM PROSECUTION AND BENCH) OF EVIDENCE THAT OTHER GROUPS THAN SIREGAR-ASSOCIATED STUDENTS--SPECIFICALLY INDIVIDUALS ASSOCIATED WITH EMINENCE GRISE ALI MURTOPO--WERE INVOLVED IN EVENTS THAT TRIGGERED JANUARY 15 RIOTS. MOST OBSERVERS AGREE THAT PROSECUTION CASE WOULD NOT CONVINCE MOST JURIES -- AND HAS NOT CONVINCED EDUCATED INDONESIAN PUBLIC; NO DOUBT THAT EVIDENCE WILL BE CONSIDERED SUFFICIENT BY THREE-MAN PANEL OF JUDGES TO JUSTIFY FORE-ORDAINED GUILTY VERDICT. ONLY REAL QUESTION IS SEVERITY OF SENTENCE.

B. TAKING OF TESTIMONY CONCLUDED IN ATMOSPHERE
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SOMEWHERE BETWEEN HIGH COURTROOM DRAMA AND CIRCUS BUT RATHER CLOSER TO LATTER. ANTICS AND IMPERTINENCE OF

STUDENT WITNESSES (BUNG TOMO'S SON APPEARED CARRYING FLOWER IN ONE HAND AND JAVANESE HEADDRESS IN OTHER) MORE THAN MATCHED BY FREQUENT EMOTIONAL OUTBURSTS ON PART OF JUDGE. MORE SIGNIFICANT FEATURES OF RECENT SESSIONS WERE: A) CONTINUED EFFORTS OF PROSECUTOR WITH NEARLY FULL COOPERATION OF JUDGE TO PREVENT MENTION OF ANY NAMES OR FACTS POTENTIALLY EMBARRASSING TO GOI, AND B) INCREASINGLY STRONG EVIDENCE THAT PROSECUTION CASE BASED MOSTLY ON SLANTED INTELLIGENCE INTERROGATIONS OF WITNESSES WHO HAD NO LEGAL ADVICE OR, IN MANY CASES, WERE NOT TOLD OF INTENDED USE OF INVESTIGATION REPORTS. INDONESIAN LEGAL SYSTEM NEVER FAMOUS FOR STRICT OBSERVANCE OF PROCEDURAL NICETIES, BUT CONDUCT OF THIS HIGHLY PUBLICIZED AND (BY THE GOI) MUCH HERALDED OPEN TRIAL HAS EXPOSED MORE FARCICAL ASPECTS OF SYSTEM AS CLEARLY AS ANYTHING IN RECENT MEMORY. TRIAL WILL NOT GREATLY AFFECT ALREADY-MINIMAL DIGNITY OF INDONESIAN JUDICIARY, BUT NEITHER WILL IT OFFER TRIAL

TO THOSE WHO ARE DETERMINED THAT JUDICIAL SYSTEM SHOULD PROGRESS BEYOND WHAT IT HAS BEEN TOO OFTEN IN PAST I.E. JUST ANOTHER POLITICO-ECONOMIC MARKETPLACE.

14. TRIAL SCHEDULED TO RESUME OCT 16 TO DETERMINE WHETHER ANY ADDITIONAL EVIDENCE NEED BE SUBMITTED. NEWSOM

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Message Attributes

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